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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,
20
21 v.
22
23 RAYMOND SHE WAH CHAN,
24
25 Defendant.

Case No. 20-CR-00326-JFW

**RAYMOND CHAN'S
MEMORANDUM REGARDING
SENTENCING**

1 Raymond Chan, by and through his counsel of record, John Hanusz and
2 Michael G. Freedman, hereby files his sentencing memorandum.

3 This memorandum is based on the attached memorandum of points and
4 authorities, all files and records in this case (including Chan's previously filed
5 objections to the presentence report and the parties' joint statement regarding
6 loss calculation and restitution), and such argument and evidence as may be
7 presented to the Court at the sentencing hearing in this matter.

8
9 Dated: September 13, 2024

Respectfully submitted,

10
11 By: s/ John Hanusz
John Hanusz

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13 s/ Michael G. Freedman
Michael G. Freedman

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15 Attorneys for Raymond Chan
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Raymond Chan is a loving husband, father, and grandfather; a helpful
4 friend to all those around him; and a devoted public servant who spent his career
5 trying to help the citizens of Los Angeles, make government more accessible,
6 and promote development in his adopted hometown. In his desire to promote a
7 building boom in downtown Los Angeles, which has been so long plagued by
8 blighted areas, he made decisions that are not reflective of his core character.
9 This character is vividly demonstrated in the touching letters provided to the
10 Court by friends, family, co-workers, former subordinates, and members of the
11 development community. Chan's positive accomplishments and contributions are
12 staggering in magnitude.

13 Against that remarkable career stands his conviction at trial. He
14 acknowledges the jury's verdict and recognizes that punishment is called for. But
15 he respectfully asks the Court to consider several factors at sentencing. The first
16 is his relative culpability: Chan is not Jose Huizar. Unlike Huizar, Chan never
17 went to Las Vegas, nor did he solicit funds to benefit himself. Unlike Huizar and
18 other defendants and witnesses (both charged and uncharged) in this case, he did
19 not seek to line his own pockets. Unlike these other individuals, Chan did his
20 best to keep the interests of Los Angeles and its citizens at the forefront of his
21 mind. Second, Chan's personal characteristics merit consideration: he is sixty-
22 nine years old, has several serious medical issues, and supports multiple family
23 members. Third, the conduct which led to his convictions in this matter – his first
24 and only contact with the criminal justice system – can only be described as an
25 aberration in an otherwise unblemished career of public service.

26 The Probation Office recommended a custodial sentence of 120 months, a
27 downward departure from its finding of an applicable sentencing range of 324-

1 405 months (at a total offense level of 41 and no criminal history). Chan
2 submitted his legal and factual objections to this calculation on the basis that the
3 Probation Office erroneously applied a number of sentencing enhancements.
4 (PSR ¶¶ 91-111). Chan believes that a substantial variance is merited and
5 respectfully implores the Court to show mercy in fashioning a sentence which is
6 sufficient, but not greater than necessary, given all the factors the Court must
7 consider. Chan submits that a 33-month custodial sentence achieves these goals.

8 **II. THE SENTENCING GUIDELINES DO NOT ACCURATELY**
9 **REFLECT CHAN'S CULPABILITY**

10 Although Chan does not reiterate his specific objections to the sentencing
11 enhancements again here, he incorporates them by reference. As discussed in
12 those prior objections and below, Chan believes his total offense level should be
13 20, resulting in a guidelines range of 33-41 months.

14 **A. U.S.S.G. § 2C1.1(b)(2)**

15 However, Chan will restate his more general objection to being held liable
16 for the benefits received by others. The applicable guideline, § 2C1.1, asks the
17 court to choose “based on the ‘greatest’ of ‘[1] the value of the payment, [2] the
18 benefit received or to be received in return for the payment, [3] the value of
19 anything obtained or to be obtained by a public official or others acting with a
20 public official, or [4] the loss to the government from the offense[.]’” *United*
21 *States v. Renzi*, 769 F.3d 731, 757 (9th Cir. 2014) (citing U.S.S.G. §
22 2C1.1(b)(2)). The Probation Office does not specify which of these four prongs it
23 is applying. (PSR ¶ 97). It is impossible to calculate the benefit received by the
24 developers, or the any loss that the City of Los Angeles experienced, if any,
25 because of the official actions taken by the CD-14 Enterprise. The only plausible
26 measure is “the value of things obtained” by others, or the bribes paid to Huizar,
27 George Chiang, and George Esparza.

1 The result is that Chan is facing a 16-level enhancement when he did not
2 obtain, or even know about the extent of, many of these bribes. *Id.* The
3 enhancement is a gross exaggeration of Chan’s liability. By elevating bribe
4 payments which Chan did not receive above all else, U.S.S.G. § 2C1.1, which
5 references the loss table in § 2B1.1, fails to identify meaningful differences
6 among cases and account for differing liabilities.¹ As a result, this guideline
7 “routinely recommends arbitrary, disproportionate, and often draconian
8 sentences” for people with no criminal history based purely on loss amount.
9 Barry Boss & Kara Kapp, *How the Economic Loss Guideline Lost Its Way, and*
10 *How to Save It*, 18 Ohio St. J. Crim. L. 605, 605–06 (2021). Courts have pushed
11 back, commenting on how loss amount “is a relatively weak indicator of the
12 moral seriousness of the offense or the need for deterrence.” *United States v.*
13 *Emmenegger*, 329 F. Supp. 2d 416, 427 (S.D.N.Y. 2004); *see also, e.g., United*
14 *States v. Ranum*, 353 F. Supp. 2d 984, 990 (E.D. Wis. 2005) (“[T]he guidelines
15 treat a person who steals \$100,000 to finance a lavish lifestyle the same as
16 someone who steals the same amount to pay for an operation for a sick child. It is

17
18 ¹ Over the years several commentators, including the American Bar Association,
19 have called for a dramatic re-thinking of the economic guidelines because the
20 focus on loss amount creates disproportionate sentences unrelated to relative
21 culpability. *See generally* American Bar Association, Criminal Justice Section
22 Task Force, *A Report on Behalf of the American Bar Association Criminal*
23 *Justice Set the Reform of Federal Sentencing for Economic Crimes* (Nov. 10,
24 2014), Ellen S. Podgor, *Throwing Away the Key*, 116 Yale L. J. Pocket Part 279,
25 290 (2007). The American Bar Association recommended that the Sentencing
26 Commission amend the economic crime guidelines to ensure that they “are
27 proportional to offense severity and adequately take into consideration individual
28 culpability and circumstances.” Statement of James E. Felman on behalf of the
American Bar Association to U.S. Sent’g Comm on Proposed Amendments to
the Federal Sentencing Guidelines regarding Economic Crimes, at 8 (Mar. 12,
2015).

1 true that, as the government argued in the present case, from the victim's
2 perspective, the loss is the same no matter why it occurred. But from the
3 standpoint of personal culpability, there is a significant difference."); *United*
4 *States v. Adelson*, 441 F. Supp. 2d 506, 510 (S.D.N.Y. 2006) (explaining that the
5 application of §2B1.1's SOCs to the individual being sentenced "represents . . .
6 the kind of 'piling-on' of points for which the guidelines have frequently been
7 criticized"); *United States v. Watt*, 707 F. Supp. 2d 149, 151 (D. Mass. 2010)
8 (stating that "[t]he Guidelines were of no help" in fashioning an appropriate
9 sentence based on excessive loss increase); *United States v. Parris*, 573 F. Supp.
10 2d 744 (E.D.N.Y. 2008) (imposing a downward departure because an offense
11 level of 42 with zero criminal history would create "a draconian sentence" based
12 purely on loss amount).

13 Any participation on Chan's part in the scheme resulted in very little gain
14 for himself. For the reasons provided in his submitted legal and factual
15 objections to this calculation, Chan should not be held liable for the acts of others
16 in which he played no part or were not foreseeable to him. The Probation Office
17 recommended a ten-year sentence for actions taken over the course of three
18 years. During those three years, Chan did not receive any payments other than
19 the \$69,969 after he left the City, nor did he take any official actions. He was a
20 facilitator who was trying to help everyone. As will be shown below, this is part
21 of what made Chan an asset to Los Angeles for so long. It is a strength, but also a
22 weakness, here.

23 **B. U.S.S.G. § 3B1.1(b)**

24 Chan also reiterates his objection to any enhancement for being a manager
25 or supervisor. Unlike Huizar, Esparza, and Chiang, Chan did not have "a larger
26 share of the fruits of the crime[or] degree of participation in planning or
27 organizing the offense." U.S.S.G. § 3B1.1 cmt. n. 4. Huizar solicited and
28

1 received \$1,730,624 in bribe payments as the main beneficiary who planned and
2 organized the enterprise, not Chan. Esparza managed and organized multiple
3 bribes for Huizar and received approximately \$232,000 in benefits. The
4 individual who profited the most from Synergy's work was not Chan, but
5 Chiang, who received a total of \$1,504,914. By comparison, Chan only received
6 \$69,939 from Chiang. Chiang described all his Huizar bribes as coming at
7 Chan's direction, but none of the exhibits support his claim. On the contrary, the
8 trial revealed that Chiang operated under *Huizar's* direction to steer benefits to
9 *Huizar*. Chan only mentored Chiang regarding the City's procedures, helped him
10 upon his request, and introduced him to City staff and consultants. Chan did not
11 manage Chiang, nor did he have any control over him.

12 Chan was not an organizer, leader, manager, or supervisor in Huizar's
13 enterprise and thus, no enhancement should apply.

14 **C. U.S.S.G. § 4C1.1**

15 Chan also believes that a further two-level downward adjustment should
16 apply under the Zero Point Offender adjustment criteria under § 4C1.1. Chan is a
17 defendant who has no prior criminal history; is not a terrorist; did not use
18 violence or threat of violence in connection with the offenses. His offenses did
19 not result in death or serious bodily injury; are not sex offenses; did not cause
20 financial hardship; did not involve a firearm or other dangerous weapon; and are
21 not affecting individual rights. Lastly, Chan did not engage in a continuing
22 criminal enterprise for drug trafficking as set forth in 21 U.S.C. § 848. Chan
23 should not receive any § 3B1.1 adjustment and, even if he does, it would not be
24 for any drug-related offenses.

25 With the base level of 14 (§ 2C1.1(a)(1)), the enhancements of two levels
26 (§ 2C1.1(b)(1)), six levels (§ 2C1.1(b)(2)), and a downward adjustment of two
27 levels (§ 4C1.1), the appropriate adjusted offense level under the guidelines is

1 therefore 20, yielding a sentencing range of 33 to 41 months before consideration
2 of the factors listed in the 18 U.S.C. § 3553(a).

3 **D. Restitution**

4 Chan submitted his legal and factual objections to the application of
5 restitution and incorporates them by reference here. Contrary to the Probation
6 Office's identification of the City of Los Angeles as a victim, many support
7 letters stated below from the construction/development community as well as
8 City staffers, show that Chan became synonymous with unwavering dedication
9 to improve customer service by directing and establishing many programs to help
10 development projects, big and small, build safe and fast. As a result, the business
11 and development communities brought more investment to the City of Los
12 Angeles, which sheltered its economy during turbulent economic periods. The
13 City is not a victim. For the above reasons and those previously stated, Chan
14 respectfully submits that no restitution should be awarded.

15 **III. THE 18 U.S.C. § 3553(a) FACTORS WARRANT A BELOW-**
16 **GUIDELINES SENTENCE**

17 While the sentencing guidelines are the starting point for the Court's
18 consideration of sentencing, the guidelines do not adequately address all of
19 Chan's life circumstances, his contributions to society, including the City of Los
20 Angeles, his health, his age, and the other punishments he has and will continue
21 to suffer as a result of these offenses.

22 The core principles of sentencing have been resolved by the Supreme
23 Court in *United States v. Booker*, 543 U.S. 220 (2005), *Gall v. United States*, 552
24 U.S. 38 (2007), and *Kimbrough v. United States*, 552 U.S. 85 (2007). "The
25 guidelines are not only not mandatory on sentencing courts; they are also not to
26 be presumed reasonable." *Nelson v. United States*, 555 U.S. 350, 352 (2009).
27 Factors justifying a sentence outside the guideline range are no longer required to
28

1 be “extraordinary.” *Gall*, 552 U.S. at 47. “‘One theme’” runs through the
2 Supreme Court’s recent sentencing decisions: ‘*Booker* empowered district courts,
3 not appellate courts . . . [and] breathe[d] life into the authority of district court
4 judges to engage in individualized sentencing. . . .’” *United States v. Whitehead*,
5 532 F.3d 991, 993 (9th Cir. 2008). The primary directive in 18 U.S.C. § 3553(a)
6 is for sentencing courts to “‘impose a sentence sufficient, but not greater than
7 necessary,’ to accomplish the goals of sentencing.” *Kimbrough*, 552 U.S. at 101.

8 The dozens of letters submitted to the Court by Chan’s family members,
9 and numerous friends, colleagues, and associates paint a robust picture of a man
10 who is devoted to his family and his extended community, supports charities, and
11 contends with serious health struggles. Each of these factors demonstrates that
12 this conviction is an aberration in an otherwise law-abiding life. Taken
13 individually or together, these exemplary attributes of Chan’s true character
14 underscore that a custodial sentence of 33 months is the appropriate one
15 here. The point is made best by his wife, Sarah Chan:

16 I am not contesting the verdict. I just want to say that what Ray was
17 convicted of is uncharacteristic of his true nature, which is goodness
18 and honesty, and a desire to be helpful without expecting anything in
19 return. I beg you to consider his life in totality at the time of
20 sentencing. I would humbly ask that you consider all the good my
husband has done for the City of Los Angeles, his declining
physical state, and the continued good that he can do for
communities and society.

21 (Ex. A: Letter of Sarah Chan).

22 The Court can—and should—credit the testimonials provided and the
23 details of Chan’s history in determining if any variance, and the length of such
24 variance, should be applied. *See, e.g., United States v. Takai*, 941 F.2d 738, 744
25 (9th Cir. 1991) (“entirely appropriate” to consider “outstanding good deeds . . .
26 as a relevant factor in determining whether [] criminal conduct was a single
27 aberrant act”); *United States v. Howe*, 543 F.3d 128 (3d Cir. 2008) (variance
28

1 based on “isolated mistake” in otherwise long and entirely upstanding life).
2 Indeed, the Ninth Circuit and other courts frequently acknowledge the
3 importance of variances when the facts of the case diverge from the norm,
4 including when the defendant has engaged in exceptional and outstanding civic
5 and charitable contributions. *See United States v. Serafini*, 233 F.3d 758, 772 (3d
6 Cir. 2000) (*citing Koon v. United States*, 518 U.S. 81 (1996)) (affirming district
7 court’s recognition that downward departures for civic and charitable good works
8 must be found to an exceptional degree); *United States v. Cooper*, 394 F.3d 172,
9 177 (3d Cir. 2005) (affirming a four-level downward departure because of the
10 defendant’s “hands-on personal sacrifices,” which included organizing and
11 coaching a youth football team in a depressed area, mentoring youth, and
12 assisting youth attend college.). This is such a case.

13 **A. Nature and Circumstances of the Offense**

14 Chan’s offense conduct is inextricable from his dedication to his career
15 serving the City of Los Angeles. He spent his career trying to help the citizens of
16 Los Angeles, make government more accessible, and promote development in
17 his adopted hometown. In his desire to promote a building boom in downtown
18 Los Angeles, which has been so long plagued by blighted areas, he made
19 decisions that are not reflective of his core character. Specifically, he blinded
20 himself to Huizar’s corruption where he believed Huizar’s efforts would benefit
21 his goals of developing the City.

22 Chan does not discount the seriousness of the offenses of which he was
23 convicted. However, as the Probation Office noted, “[t]he seriousness of the
24 offense, however, is balanced against Chan’s overall background and
25 characteristics, which include an otherwise lifelong productive life, including
26 years of significant public service. Notwithstanding this conviction, Chan has
27

1 made significant contributions to the City of Los Angeles.” (Discl. Rec. Letter at
2 6).

3 **B. Chan’s History and Characteristics**

4 **1. Chan’s Upbringing and Faith**

5 Chan was born in China and raised in Hong Kong. Chan grew up in a
6 family with no religious inclinations. At ten years old, Chan sought to be
7 baptized as a Catholic on his own volition and served as an altar boy for years,
8 which shaped his professional goals and his life’s mission – to help people. As a
9 public official, Chan’s professional goal was to make city government better
10 serve the public. As an individual, his life’s mission is to better the lives of
11 people in his life circle and beyond. The attached letters illuminate and speak to
12 these undertakings.

13 At age 16, he left Hong Kong for Canada for high school. While in
14 college, Chan met and fell in love with his wife, Sarah. After Chan received his
15 bachelor’s degree in physics, he married Sarah and moved from Canada to Los
16 Angeles where Sarah and her family lived. Unable to find a job as a physicist,
17 Chan pursued another degree in civil engineering while working as a waiter, and
18 later as a real estate salesman after he obtained his real estate license. In 1984,
19 Chan received his engineering degree and began working for the City of Los
20 Angeles.

21 **2. Chan’s Contributions to the City of Los Angeles**

22 For over three decades, Chan dedicated his life to the City of Los Angeles,
23 becoming known for his unwavering dedication and commitment as a civil
24 servant. As a result, the business and development communities brought more
25 investment to the City.

26 Chan dedicated his adult life to the City of Los Angeles. As Chan rose
27 through the ranks of the Department of Building and Safety from an over-the-

1 counter staffer to its General Manager, his commitment to help others and
2 implement measures to spur development and investment in Los Angeles
3 remained steadfast. Chan's intent to help was executed by the many programs he
4 established to help projects big and small build safe and fast, some of which are
5 described below:

- 6 • Development Services Case Management that unified the City's
7 development agencies under a single program to act as navigators to
8 consult, problem solve and facilitate services to approximately a
9 thousand big and small projects annually.
- 10 • Parallel Design Plan-check Permitting Construction that allowed
11 projects to be designed, plan checked, and constructed at the same
12 time, which shaved off 12 to 18 months of development time for
13 over 100 major projects annually.
- 14 • Concierge Services for the General Public at City's five
15 development services centers to assist the broader public on a walk-
16 in basis with code compliance and permitting, helping
17 approximately 25,000 customers annually.
- 18 • Saturday Inspection for Homes so homeowners did not need to take
19 time off from work during weekdays to wait for a home inspection.

20 The results were fruitful. In 2016, when Chan retired from the Building
21 and Safety Department, it issued over 175,000 permits that year and the City's
22 overall ongoing construction valuation jumped to a record high of \$7.7 billion, a
23 275% increase from 10 years prior (\$2.5 billion).

24 The California Building Official Association selected Chan as "2013
25 Building Official of The Year," which is a peer-based award bestowed upon
26 working governmental officials to honor a single individual who has shown
27

1 exemplary leadership over the preceding year and overall career. Mayor Eric
2 Garcetti also named Chan as a “Building Boom Booster.”

3 In 2016, Chan felt that he had fulfilled his professional goals and
4 submitted his resignation to Mayor Garcetti. Sarah Chan describes the resulting
5 turn of events:

6 Ray submitted his resignation letter to the Mayor’s Chief of Staff.
7 His resignation was accepted but he was immediately offered a 1-
8 year contract to work as a Deputy Mayor. Ray politely declined the
9 offer. Later that evening, Ray received a call from Mayor Eric
10 Garcetti. We were shocked. Mayor Garcetti said he was told by
11 many constituents about Ray’s effort in helping their construction
12 projects; their confidence investing in L.A. increased; and, as a
13 result, they had been building more projects. Because of that, he
14 believed that Ray would be the best person for the Deputy Mayor
position to improve the City’s economy. Mayor Garcetti insisted
that Ray needed to accept his proposal. When Ray discussed Mayor
Garcetti’s offer with me afterward, I raised my objection because he
needed time to take care of his disease. But Ray was an easy person
to convince to do the things that he believed had a good cause. He
accepted the Mayor’s offer and signed a 1-year contract as a Deputy
Mayor.

15 (Ex. A: Sarah Chan Letter).

16 As Deputy Mayor of Economic Development, Chan oversaw six economic
17 development-related departments including the Airport, Harbor, Planning
18 Department, Building & Safety Department, Economic Development, and
19 Convention Center & Tourism. Within one year, he set up 40 new programs to
20 expand the City’s economy in support of Mayor Garcetti’s agenda, including:

- 21 • Partnerships with consulates and dignitaries of 40 different
22 countries, the World Trade Center, Sister Cities, and Los Angeles
23 Region Export Council to create new international market
24 opportunities for L.A. based companies;
- 25 • Chan created the Major Development Services Forum to build
26 partnership between investors and project teams of major projects
27 and City staff to ensure projects are built safely and quickly; and

- Support for underserved communities to assist and advise small business owners to plan, start, manage and grow their businesses.

Chan earned the respect of his staff and was recognized as a model leader. This is captured in support letters by Chan's former co-workers and professional contacts. Stephanie Mkhlian, one of Chan's former subordinates, states:

I gave Ray a book, "The Go-Giver" because it reminded me so much of his positive belief in people, heart-driven leadership, and strong values. A "go-giver" is someone who uplifts and empowers talent and people, instead of doing what they can for themselves or to get to the top.

And Ray was certainly a "go-giver." Ray cared for his staff and whoever he encountered; this was not new to those who knew him or know him.

...

He will always be my mentor, a father figure, and someone I respect and trust.

(Ex. B: Letter of Stephanie Mkhlian).

Bob Stone, a colleague who worked for the City of Los Angeles, details Chan's leadership and drive to make government more responsive to stakeholders:

I'm a retired Federal civil servant, having served thirty years at the Pentagon and White House.

...

My passion in Washington had been to make government work better, and I was 'hired' by Deputy Mayor Cole to do that in LA. When my appointment was announced I began to be barraged by complaints about how the city government was making it hard to do business in the city. Critics of LA government told me that permitting and inspections were a special nightmare, and that the only bright light was Ray Chan, then general manager of the Department of Building and Safety

...

... One of Chan's major initiatives was his "major projects committee." If someone planned a major development in Los Angeles (defined, as I recall, as spending ten million dollars or

1 more), Ray would convene a committee comprising officials from
2 about twenty city organizations—every one that had a role in
3 inspecting, reviewing, or approving steps to completion. One of the
4 major projects to benefit from the committee was the billion-dollar
5 Lucas Museum, now soon to open in Exposition Park. Originally,
6 Chicago, San Francisco, and other cities competed for the museum,
7 but Los Angeles won the selection. A senior executive of the Lucas
8 organization has said that Ray's major projects committee made the
9 Lucas organization feel like a valued customer and partner for the
10 City's growth, and that it was *the* deciding factor in Lucas's
11 decision to put his museum in Los Angeles.

12 ...

13 Chan was also unique among city government leaders in his serious
14 commitment to teach leadership and management to the department
15 staff. That dedication to helping his subordinates grow was
16 unparalleled, I believe, among city department heads; in fact it
17 surpassed anything I ever saw in any government organization,
18 federal, state, or local. He was what teachers of leadership call a
19 servant leader. In my opinion that is the rarest—and best—kind of
20 leader.

21 (Ex. C: Letter of Bob Stone).

22 Larry Galstian, a former administrator at the Los Angeles Department of
23 Building and Safety (LADBS), echoes these sentiments:

24 As a General Manager of LADBS, Ray was dedicated in developing
25 LADBS into providing a comprehensive and equal assistance to the
26 citizens of the City of Los Angeles.

27 ...

28 ... I greatly appreciated Ray's commitment to the City of Los
Angeles for over 30 years, working countless hours, developing
programs to help the citizens of Los Angeles, and earning the trust
and respect of over 1,000 LADBS employees through his actions
and vision of the department.

(Ex. D: Letter of Larry Galstian).

Peter Callas, former LADBS chief inspector, describes how Chan looked
out for his employees during an economic downturn:

I have known Ray Chan since 2004 as our Department's Executive
Officer and General Manager, and have always respected Ray's
work ethics, character, and leadership.

... [I]t is from two very difficult times that impacted all of LADBS
that in my opinion best highlighted Ray's character, and his
devotions to the employees: The fiscal downturn in Los Angeles

1 from late 2009-2012 resulted in numerous layoffs at LADBS. Ray
2 worked tirelessly to find alternative work assessments within the
3 scope of a budget freeze, and was successful in placement of a work
4 plan with the Los Angeles World Airport for our laid off employees.
... Ray has been a good friend and teacher, who set good hard
working examples. His actions, loyalty, respect for others impacted
me in a very positive light, I think this his character.

5 (Ex. E: Letter of Peter Callas).

6 Even prosecution witness Kevin Keller agreed that Chan “wanted to
7 provide for the City’s success” and that he “Chan often spoke about extending
8 the development cycle to maximize development opportunities.” (*See* Trial Test.
9 at 1389:2-8).

10 Chan’s guidance and assistance did not just extend to large projects in Los
11 Angeles, but small ones too, as several individuals attest. Bob Stone states,

12 Early on, while attending a Friday night going away event for a
13 colleague I overheard a woman in the restaurant complain to her
14 friend, ‘The City of LA is yanking me around.’ I stopped at her
table, introduced myself and asked if I could help. She introduced
herself, Patricia Schwartz.

15 Early Monday morning Ms. Schwartz called and asked if she could
16 see me that day about her extreme difficulties with the city’s
17 permitting system; I agreed. I had been introduced to Ray, so I
called him. He offered to attend my meeting via conference call.

18 Ms. Schwartz explained her problem: she and her husband owned a
19 small two-story building at 4th and Broadway, and they had leased
20 the upstairs to two young men who were trying to open a bar
21 there—the first gay bar in DTLA. They had been paying rent for 18
months while struggling with the city over permits—from Fire,
Police, Planning, and other departments. Ray Chan said, “Meet me
at 8am tomorrow at the location and we’ll work it out.”

22 Next morning, Tuesday, we all met at Ms. Schwartz’s building. Ray
23 had brought along representatives from Fire, Police and other
24 relevant departments. By Wednesday, all the issues had been
resolved, and the bar opened under a Conditional Use Permit on
Friday.

25 This experience taught me that Ray Chan was as committed as I was
to making city government work better.

26 (Ex. C: Stone Letter).

1 Farrel Stevins, the CEO of a construction company, recalls the help that
2 Chan provided throughout the course of their relationship:

3 I cultivated our relationship knowing that I was a little fish trying to
4 swim in a large pond and Mr. Chan's openness to guide me through
5 the process was integral to our company's growth and success. My
6 staff and I enjoyed many years working with the City of Los
7 Angeles under Raymond Chan's leadership. He fostered innovative
8 processes to help the small contractors succeed in moving their
9 projects forward. Raymond was always available to speak, always
10 willing to help regardless of who was asking for it. After knowing
11 this man going on ten plus years and continuing our relationship
12 after he left the City of Los Angeles, he has always been ready to
13 help, provide advice and guidance. There was a period where I was
14 concerned about the lack of growth and opportunities for work my
15 company was facing, i.e., a slowdown in the industry. I told
16 Raymond about my concerns and the first thing he did was put me
17 in touch with the VP from one of the largest architectural firms in
18 Los Angeles. He took us out for an introductory lunch, I am still
19 working with that architectural firm today....

20 (Ex. F: Letter of Farrel Stevins).

21 Galstian describes the assistance that Chan provided to anyone who
22 needed it:

23 A strong character point of Ray's that inspired my own
24 development, was Ray wanting to help not only large projects, but
25 all projects large and small. He assigned me to develop other
26 customer service programs, such as: The Restaurant Express
27 Program was developed to assist restaurant owners in the permitting
28 process with the County Health Department and all other involved
city agencies Ray also was concerned with lack of
Department's assistance to the general populace of homeowners
who didn't understand the City's permitting and inspection process
and didn't know where to begin. With this idea in mind, Ray
developed a 'Concierge' program where anyone could contact the
Building and Safety's Concierge team or walk-in to any satellite
office and ask for help.

(Ex. D: Galstian Letter).

General contractor Jacob Poon discusses the care that Chan took to make
sure that projects crossed the finish line:

He guided us in the permit and plan check process and helped us
when we did not know who to speak to or where to start on
complicated projects. He helped us coordinate inspections with city
inspectors and would even take my calls late at night when we had

1 questions about a code issue or correction that we did not
understand.

2 Despite the circumstances that have led to this sentencing, I firmly
3 believe that Raymond Chan has the potential to continue making a
positive impact in the world by helping others as he has helped me.

4 (Ex. G: Letter of Jacob Poon).

5 Chan's legacy is his work to create a more accessible government, helping
6 individuals and corporations navigate the bureaucracy of city government.

7 Michael Hunt, who works for a construction company, recalls the change that
8 Chan brought to LADBS:

9 Under Ray, the culture of LADBS completely transformed from a
10 red-tape heavy bureaucratic institution into one with a "Customer
11 Service"-driven priority. The contractors, developers, and design
12 firms were all treated as "Building Partners" and "Customers" by
the LADBS. The culture change was so different, and L.A. quickly
became my favorite municipality to do business in. It was friendly
and approachable.

13 During Ray's leadership, I could go on about the policy changes that
14 streamlined the review process from ADA compliance, Fire
Sprinkler Inspection changes, Plan Check expediting changes etc.
15 All of these made Los Angeles a better place to do business while
still being safe.

16 (Ex. H: Letter of Michael Hunt).

17 Elected officials such as Alfred Balderrama took note of the culture that
18 Chan developed:

19 As a thirteen-year City Councilman and three-time Mayor of
20 Monterey Park, it was a pleasure having Ray volunteer his expertise
and time to volunteer to serve as my Planning Commissioner. I do
21 not believe the City of Monterey Park has ever had such a highly
qualified Commissioner.

22 . . .

23 I have attended the open workshop meetings held at City Hall which
24 enabled direct input from all departments, businesses and the
general public. I was amazed how almost everyone commented
25 positively on the protocols Ray as Deputy Mayor established in
order to move forward with projects.

26 I have been a Land Use Consultant for the last thirty-four years. I
27 can state without a doubt that I would not have made it in this line

1 of work if it had not been for Mr. Raymond Chan's open-door
policy and always lending a hand to anyone that asks.

2 (Ex. I: Letter of Alfred Balderrama).

3 John Q. Lee, former assistant deputy mayor and city council chief of staff,
4 recalls the service that Chan provided to a constituent:

5 As the years went by and I continued to engage Ray while I served
6 on the executive and legislative side of City Hall, I was able to also
7 learn how Ray was a genuinely nice person with a good heart who
8 loved to help people, anyone. I recall one such example in the late
9 1990's when I was at the home of a constituent who had just
experienced a collapse to a portion of their home. They were
panicked. Wondering what to do to allay their fears, I called Ray at
his office at the Los Angeles Building & Safety Department to get
some direction of what to do for them.

10 Ray was more than helpful. He drove to her house to help figure out
11 their options and what to do. That's Ray. Always of service. Always
happy to help.

12 (Ex. J: Letter of John Q. Lee).

13 General contractor Eduardo Espinoza bears witness to Chan's helpfulness:

14 With the process of permit pulling, Raymond would answer any
15 questions I had or whenever I needed any assistance. If he didn't
16 know the answer, Raymond would put me in contact with the
17 correct person so that I was able to complete my building projects
on time. Raymond guided me to attend specific Department of
Building and Safety seminars, which provided me with helpful and
beneficial information to me and my trade.

18 Aside from professional assistance, Raymond referred me to various
19 of his personal acquaintances and family members needing any type
20 of remodel or any type of construction work in general so that I
could have the opportunity to bid on those construction jobs. Thanks
21 to the trust he placed in me, I was able to receive many more
22 referrals from those clients which kept me working for many years.
Raymond never asked for a single thing in return from me and for
those reasons, I shall always be extremely grateful to him.

23 I never noticed anything out of line just Raymond's impeccable
professionalism, pride and complete dedication to his job.

24 (Ex. K: Letter of Eduardo Espinoza).

25 Robert Goodwin of Maguire Partners, the group responsible for numerous
26 major developments in Downtown Los Angeles, discusses Chan's humility and
27 drive to see projects through:

1 I have been in the Real Estate Development business in Los Angeles
2 area since 1987, working on very large and small projects in Los
3 Angeles during that time period, including US Bank Tower, Gas
4 Company Tower, Wells Fargo Center, the City Central Library,
5 Playa Vista, Century Plaza Hotel and Condominiums, Wilshire
6 Grand Tower, the Broad Museum, and many other significant
7 projects in suburbs in the region, and elsewhere in the country,
8 working with many different City Building and Safety Departments.
9 . . . [I]n all the various jurisdictions, by far the best person in Ray's
10 position I have ever worked with, was Ray

11 . . . He was approachable and helpful in guiding people with their
12 projects, through what is usually tedious and unfriendly. He would
13 sometimes gather many of his staff members together to help work
14 out solutions with project teams to help them be able to receive
15 building permits in an efficient and professional manner. He also
16 helped coordinate meetings with other departments like the Planning
17 Department, Fire Department, etc., to work out issues. From my
18 perspective, he did the job of serving the public in an honorable and
19 efficient way, while shunning attention away from himself. He was
20 always thoughtful, respectful and humble.

21 (Ex. L: Letter of Robert Goodwin).

22 **3. Chan Did Not Seek Personal Gain for His Efforts, Even** 23 **When Incentives Were Offered**

24 As the previous letters show, unlike Huizar and Esparza, Chan did not
25 solicit or accept anything for his own gain. On the contrary, he rejected gifts. As
26 Henry Wang, a business consultant notes:

27 One of my clients from China bought a piece of vacant land that he
28 wanted to build a major residential project. . . . My client and I went
to Ray's office and Ray offered guidance on code regulations and
the permitting process. There were follow-up meetings and Ray's
guidance was always provided in a welcoming manner and was
instrumental in the project's timely completion.

Later, the client asked me to invite Ray to dinner. I relayed the
invitation, but Ray declined. I asked again and Ray relented. After
dinner, the client asked me to place a bottle of liquor they purchased
to give to Ray as a token of appreciation. While Ray and the client
talked in the parking lot, I took the wrapped gift and placed it in
Ray's car. I did not know what the bottle of liquor was, nor did I
know its value. The next day Ray called me and explained that
while gift giving was in keeping with Chinese cultural norms, it was
too valuable for him to accept. He googled the bottle of liquor and
discovered it was worth several thousand dollars. The next day, Ray
gave the gift back to me with instructions to return it to the client.
By returning the gift, Ray demonstrated his trustworthiness and

1 ethics and made a strong impression on me that this was someone
2 with integrity.

3 (Ex. M: Letter of Henry Wang).

4 Attorney Lessing Gold tells a similar tale regarding Chan's honesty:

5 One of the companies from China which I was dealing with, was
6 interested in setting up a business in Los Angeles. The company was
7 a major manufacturer of underground pipes in China. . . . I
8 suggested they contact Mr. Chan to determine whether it was
9 feasible to set up this type of company in the City of Los Angeles.

10 A number of conversations took place between the company and
11 Mr. Chan. . . . Sometime later the principal of the company
12 contacted me and indicated that she was coming to Los Angeles and
13 asked me if I could set up a lunch with Mr. Chan as they would like
14 to thank him for his advice and the time spent with them on the
15 project.

16 I contacted Mr. Chan and set up a lunch at the Taix restaurant in Los
17 Angeles. At the conclusion of lunch, the principal of the company
18 dispatched her son to the car and he brought back a gift for Mr.
19 Chan. Mr. Chan refused the gift advising that he is an employee of
20 the city and was not allowed to accept any gifts. The waiter then
21 brought two separate checks, one which he gave to Mr. Chan and
22 the other to the company principal. Apparently, Mr. Chan arranged
23 with the restaurant to bring him a separate check for his meal.

24 (Ex. N: Letter of Lessing Gold).

25 Hunt concurs in this assessment:

26 Over the years Ray and I would meet either at his office (where I
27 always felt welcomed) and sometimes we would meet at a little
28 diner for a quick breakfast. We always took turns paying the check
and our conversation centered on family, my current work, my
opinion on how the Department was operating, how LADBS could
improve, etc.

29 . . .

30 Aside from my feedback, Ray has never asked for anything in return
31 for his help. In the 20 + years I worked with this man, the only
32 intent I ever saw, and I think I saw a lot for just being a contractor,
33 was Ray's desire to assist EVERY ONE, be respectful to Everyone,
34 and be a Champion for the City of Los Angeles.

35 (Ex. H: Hunt Letter).

36 Goodwin notes that Chan always paid his way:

1 We would occasionally meet for breakfast at his favorite “greasy
2 spoon” restaurant in East Los Angeles, frequented by police
3 officers, other City employees and locals to the neighborhood. Ray
4 always insisted on paying for his share. He insisted on not putting
5 me, or himself, in an awkward position because of his position,
6 which exemplified great character to me.

7 (Ex. L: Goodwin Letter).

8 Stevins’ letter is a testimony to Chan’s honesty and insistence on playing
9 by the rules:

10 I have had at least twenty dinners and lunches with Raymond Chan,
11 and he has never allowed me to pay for one of them. It is just who
12 he is: a kind soul willing to help anyone.

13 Given light of this situation now, I would have to say he was a little
14 naive but genuine in heart. I am expressing the same thing to you
15 that I did to the FBI when they interviewed me a few years ago over
16 the phone, nothing has changed in my opinion by who Raymond
17 Chan is as a person. I have never paid Raymond Chan one cent
18 through all the years I have known him, and he has never asked for
19 any gratuity in any form.

20 (Ex. F: Stevins Letter).

21 **4. Chan Improves His Community by Helping Friends and 22 Charitable Organizations**

23 Chan has had a positive impact on his community as well. He has spent
24 personal time helping both friends, family members, colleagues, and charitable
25 organizations, without asking for anything in return. As his wife notes,

26 After Jeremy graduated from law school, our financial obligation
27 lessened. Then Ray decided that we should start to give back to
28 society.

...

29 We have been making monthly donations to different humane
30 organizations such as Food Bank, Homeless Shelter, and Red Cross.
31 As a Catholic, Ray also donates to a few religious organizations.
32 Every year, we donate approximately \$6,000 to all these
33 organizations. Meanwhile, Ray and I are still driving our old cars,
34 his is 18-year-old and mine is 12-year-old.

35 (Ex. A: Sarah Chan Letter)

1 Sam Guo, Chan's tai chi master, recalls that Chan was instrumental in the
2 start and growth of his organization:

3 Ray was one of my first [tai chi] students.

4 I quickly discovered that Ray is very willing to help others without
5 expecting anything in return. Because I had little teaching
6 experience in the US, Ray took the initiative to help me create
7 teaching outlines, class schedules, and marketing. Every lesson,
8 every teaching content in great detail. He constantly exchanged
9 ideas with classmates to get their opinions, which he summarized to
10 help me to modify the lessons. Combining our efforts, the number
11 of students in the Tai Chi class quickly grew to several hundred. I
12 started to need new teaching locations and expanded to private
13 lessons as well. This success allowed me to shift from teaching part-
14 time to full-time. With so many students, Ray helped me to build a
15 small community by organizing different social picnics, parties, and
16 gatherings.

17 ...

18 Many times, I wanted to express my gratitude to him. I wanted to
19 waive his tuition fees or treat him to meals; however, over the past
20 twenty-plus years, he has never received any portion of tuition fees,
21 nor has he accepted a meal from me.

22 Later, I also learned that he is not only like this towards me but also
23 towards people around him. He uses his own funds to help
24 impoverished children in mainland China, from elementary school
25 to university graduation. He sent them tuition and living expenses
26 every month, until each one completed their studies.

27 (Ex. O: Letter of Sam Guo).

28 Rubidium Wu, a longtime friend, recalls how Chan helped him get his
business off the ground:

[Ray] helped me apply for jobs, introduced me to numerous people
and companies who subsequently became clients, given me honest
and helpful feedback on my work and made his time and network
available to me time and time again.

...
He has devoted 100s of hours of his time and attention to help me,
without which my career and family would be much worse off. I am
far from being an outlier.

...

1 It is evident that Ray considers it his life's mission to uplift those
2 around him and contribute positively to his community.

3 (Ex. P: Letter of Rubidium Wu).

4 Albert Leung, another friend, recalls that Chan offered help without
5 expecting anything in return:

6 I first met Ray at a professional organization event. Ray was one of
7 the speaker panelists. ...I kept in touch and sought Ray's advice
8 from time to time concerning my own career. Each response was
9 always warm and thoughtful. I remember being surprised that a top
10 busy City Official would take time to care for a nobody.

11 ...

12 His advice was freely given, and nothing was ever asked for in
13 return. Through his consistent selfless actions, Ray has my utmost
14 respect as a fellow professional.

15 (Ex. Q: Letter of Albert Leung).

16 Roy Chen, a friend, recalls that Chan helped improve his family business
17 without expecting remuneration:

18 Since 1979, my wife and I own and operate a printing company,
19 Superprint Graphics Inc., in Santa Fe Springs, CA.

20 ...

21 Unfortunately, my wife and I were heavily preoccupied with
22 running our business and could not attend these gatherings. In fact,
23 we felt pressured and overwhelmed like time was not on our side.
24 Ray, the ever enthusiastic and friendly guy, proactively asked me if
25 he could help us with our business.

26 In 2012, Ray spent two weekends training my wife and I on
27 management, operations, and scheduling skills. Ray has fantastic
28 insight — he asked us a lot of questions that we didn't even think of
ourselves. He proactively planned and coordinated with us to uplift
our business and operations.

This training was invaluable because it greatly boosted our
productivity and efficiency. We could meet our existing orders
effectively, take on additional orders, and, most importantly, regain
our personal lives. My wife and I felt that a massive weight was
lifted from our shoulders and our minds were clear.

In 2015, Ray helped us again by optimizing the layout for our
manufacturing plant. This again helped boost our productivity and
made us better business operators and vendors.

1 (Ex. R: Letter of Roy Chen).

2 Troy Augborne speaks to Chan's financial generosity while his family was
3 going through a time of need:

4 During my own family's darkest hours, Ray's unwavering support
5 proved invaluable. In 2022, when my daughter faced life-saving
6 surgery, Ray ensured I could be by her side. He offered not just
7 words of encouragement but real, tangible help. Similarly, in 2023,
a health crisis with my wife necessitated a sudden move to the
Southwest. Ray provided not only comforting words and prayers,
but also a selfless act of financial support through a \$3,000 loan.

8 (Ex. S: Letter of Troy Augborne).

9 Tim Cho, a friend with pancreatitis and pancreatic cancer, speaks about
10 how Chan physically took care of him despite Chan's own legal pressures at the
11 time:

12 During the time from 2019 to end of 2023, I was very sick with a rare
13 form of Pancreatitis. I was in the hospital for over 2-1/2 years and
14 then Tumors suddenly showed up. They completely filled my
15 abdominal area. One instance during an emergency room visit, I even
16 saw myself flat-lined. With the help of Chan and his wife, I slowly
17 recovered. During the critical time, Chan even helped me to
communicate with my clients with termination of my design contracts.
He helped me to pay my customers at first and then I reimbursed
him back.... After I left the hospital, Chan continues to care for me
and brought me more soup because I was on a liquid diet. He also
helped me to shop for food because I was bed bound.

18 (Ex. T: Letter of Tim Cho).

19 Ron Quan, the founder of an ALS charitable group, recalls that Chan
20 readily agreed to help his organization:

21 I represented the Tempt One ALS Foundation, another 501 c3 [sic]
22 charity with the mission of organizing events [martial arts
23 tournament] to raise funds to assist patients and families suffering
from the horrid disease called ALS (Amyotrophic Lateral Sclerosis)

24 ...

25 ... [I]n 2018, [Ray] volunteered to serve as the tournament chair
26 and quickly rallied all of our volunteers into action and with his
27 upbeat and positive humor expressed the importance of what our
event was all about and how it specifically benefited ALS patients
and families. ... That year, our event raised \$ 45,000.

1 (Ex. U: Letter of Ron Quan).

2 Chan has also donated his time, talent, and treasure to his beloved martial
3 arts students, providing them with support and a role model:

4 When I was a graduate student in Illinois, I only had enough money
5 to fly home once a year for the holidays, but Ray made sure that I
6 could return home during the summer. He paid for my flight home
7 so I could visit my family and my BXG family.

8 . . . When I was first learning kung fu from him, I did not have a
9 driver's license and had trouble going to lessons. Ray would drive
10 me home several times per week after each lesson, after my father
11 dropped me off. He did this each week for three years, until I was
12 able to drive myself.

13 (Ex. V: Letter of Kevin Cheng).

14 There was a time when my car broke down, leaving me in need of
15 transportation to work. Ray, out of the goodness of his heart, offered
16 me a \$15,000 loan without interest, allowing me to regain my
17 footing. His generosity caught me by surprise, and his support
18 during a challenging period was deeply appreciated.

19 . . . Ray has served as a mentor One lesson in particular that
20 left a lasting impression was when he first taught me how to prepare
21 for interviews. He meticulously reviewed my resume and provided
22 insightful feedback and guidance. Through simulated mock
23 interviews and regular meetings over several weeks, he helped me
24 build confidence in presenting myself professionally.

25 (Ex. W: Letter of Alex Ng).

26 [A]fter college I made the decision to move to Northern California
27 for work. At that time, I was very unsure if I would be able to make
28 ends meet before my first paycheck. Out of his generous nature, Ray
had offered to gift me money as a buffer to help me out in my
journey ahead. I was extremely grateful for the money he gave as it
greatly helped me out in the interim. He never asked for any
repayment.

29 (Ex. X: Letter of Anthony Cheng).

30 In 2017, I was planning my wedding and struggling with financial
31 difficulties. During that time my wife was still in China, and I
32 needed to travel back to China for the wedding and make changes to
33 my living arrangement, Ray understood the financial strain I was
34 under and asked if he could help. Once again, he demonstrated his
35 generous nature by lending me \$15,000 and insisted on charging me

1 0% interest. After many struggles, I was finally able to repay him
last year in 2023.

2 (Ex. Y: Letter of Sam Wei).

3 These letters, and many others attached to this memorandum, share a
4 single common thread – Chan never asked for, or expected, anything in return for
5 the things he did, a stark contrast from the person described by the government
6 or the likes of Huizar and Esparza.

7 **5. Chan Has Played, and Continues to Play, a Critical Role**
8 **in the Lives of His Family Members**

9 Besides Chan's dedication to his work and community, Chan remains a
10 committed family man as a husband, father, father-in-law, brother, brother-in law
11 and grandfather.

12 Sarah Chan describes the indispensable role that her husband plays in their
13 family:

14 Almost every night and every weekend, Ray spent time with our
15 son, Jeremy, on bedtime stories, homework, school projects, fun
things, etc. His unconditional love for Jeremy is now extended to
16 our daughter-in-law, Even, and our 5-year-old granddaughter,
Royce.

17 Ray's filial and caring attitude toward both his parents and mine is
18 seldom seen. When my parents were alive, each month Ray gave
them a generous amount of money to help with their living
19 expenses. Ray loves his parents. For 15 years, we had dinner with
Ray's mom and dad every Saturday until Coronavirus hit. His dad
20 passed away three years ago, Ray and his sister, Bonnie, have been
taking care of their 91 years old mother, a non-ambulatory patient
21 who is deaf, blind, and has severe dementia, despite her basic needs
being attended to by caretakers.

22 (Ex. A: Sarah Chan Letter)

23 Even Chan, Chan's daughter-in-law, points out that Chan's familial
24 relationships are not strictly defined by blood:

25 Apart from working or professional life, I was very impressed by
26 [Chan] himself with his good values in life and his family. He holds
high value in family.

27 ...

1 . . . Raymond treats my mother like a little sister and my father as a
2 little brother (they have a big age gap). He always greets and checks
on them regularly and teaches my daughter to respect them.

3 Apart from these, my parents and my brother are thankful to him for
4 his assistance on my brother's MBA application and interview
5 preparations. Raymond would set a schedule to help my brother go
over the applications, carrying out mock interviews, etc. to make
6 sure he can excel. It turned out great because my brother was
accepted.

7 Also, he and my mother-in-law would offer to help take care of my
8 daughter to make sure I can have some personal time. Their help
was like a cure for my postpartum depression back then. All these
show his love and respect for me as a daughter-in-law.

9 All in all, my father-in-law, Raymond Chan, is really the most
10 selfless, helpful, and sincere human being that I have ever met. I
11 always use the adjective "naive" to describe him, as he always
chooses to only see other people's good, kind sides instead of any
"motives behind" when people reach out to him for help.

12 (Ex. Z: Letter of Even Chan).

13 Sonya Cheung, Chan's sister-in-law, echoes these sentiments:

14 Over the past 40-50 years knowing him as my brother-in-law, he
15 has always been super well, very caring and sincere to my elderly
16 father and mother. For example, whenever my father and mother
were planning a trip back to Hong Kong, he would initiate paying
for their flight tickets. . . .

17 Another example is that since my mother moved into an elderly
18 apartment in around 1997, he would set aside \$250 a month to make
19 sure my mother could spend money freely and happily. \$250 a
month sounds not a lot nowadays; it was indeed quite a big portion
20 of his monthly salary back then. He has been giving my mother
money since then until she passed in 2016. Another thing that I am
21 very very grateful and thankful to [Ray] is that when I had to look
for a job at the county. He would set aside his time from his busy
22 schedule to help editing my resume. Also, he would carry out mock
interviews with me several times, he not only practiced general
23 interview questions, but he also dug into the job that I was applying
to predict what types of questions they would ask me to make sure I
24 can succeed. It turned out I got the job offer. This significantly
helped me with my personal growth, my career and my financial
situation for my family.

25 (Ex. AA: Letter of Sonya Cheung).

26 Another family member, Tony Wu, speaks to the guidance that Chan
27 provides to the members of his family:

1 Ray has been a constant source of guidance, support, and wisdom in
2 my life. One of the most significant instances of Ray's impactful
3 presence in my life occurred during the preparation for my MBA
4 program interviews in January 2021.... His commitment involved
5 daily online sessions, each lasting around two hours, where he
6 meticulously went through potential questions, helped me articulate
7 my thoughts more clearly, and provided constructive feedback. His
8 dedication and insight were instrumental in my receiving a full
9 scholarship from the MBA program of Peking University, one of the
10 most prestigious institutions in China...Ray has always been willing
11 to invest his time in discussing life and career options, often staying
12 up late to help me navigate through various challenges. His
13 generosity in sharing his wisdom and experiences has been
14 invaluable to me.

15 (Ex. BB: Letter of Tony Wu).

16 Bonnie Chan, Chan's sister, describes his nurturing nature and his role as a
17 peacemaker:

18 Raymond (Ray) Chan is my brother who is twelve years older than me.
19 In 1984, he persuaded my parents to send me to Los Angeles to attend
20 high school and he promised he would take care of me. Ray truly
21 lived up to his promise. In addition to providing room and board,
22 Ray helped me on my study, attended school functions on my parents'
23 behalf, and took up the role as my guardian until I reached legal age.
24 I also received a lot of advice and assistance from my brother on
25 college application, choosing a career path and after graduation, on
26 job searching.

27 Ray is very close to my daughter Valerie, who is now twenty years
28 old...When Valerie started the college application process, Ray
spent a lot of time with her to improve her essay writing and
interview technique.... When it was time to make her college
decision, Valerie and I developed a lot of tension because we did
not agree on what seemed to be 'the best college to attend.' Once
again, Ray stepped in to help. He was impartial, not taking sides and
helped Valerie and me to understand each other's perspective, which
finally resolved our conflicts.

29 (Ex. CC: Letter of Bonnie Chan).

30 Chan's history of good deeds and respected character shown in the above
31 quotes from many letters point to one fact – he has consistently helped and
32 supported his family, friends, and community out of kindness. Unfortunately,
33 Chan's unblinking willingness to assist others also meant that he wasn't the best
34 judge of character. Chan always chose to give others the benefit of doubt, to look

1 at the good instead of the bad. As a result, some people with ulterior motives
2 took advantage of Chan, which led him to face undesirable outcomes. Sarah
3 Chan details such an event:

4 [Years ago] Ray was persuaded by two friends about quitting his
5 City's job to start a business venture with them. Three of them co-
6 signed a 5-year lease for an office. After the lease was signed, Ray
7 then found out his friends were not trustworthy. So he did not go
8 into business with them and did not move into the office space. Ray
9 continued to work for the City. The two friends moved into the
10 office space but they did not pay rent. So the landlord filed a lawsuit
11 against them and Ray, asking for a substantial amount for penalty.
12 Ray and I had no choice but to file bankruptcy. After spending a
large amount of legal fees, our bankruptcy was approved and our
nightmare was over... Unfortunately my husband was a poor judge
of character. He only saw the best in others and over-trusted people.
Sometimes his helpfulness was taken advantage of by the wrong
people. Whenever I, other family members, or his close friends
pointed out this flaw to him, Ray just shrugged us off and said, 'all
people deserve a helping hand.' Sad to say, it took an unbearable
consequence for him to learn the lesson.

13 (Ex. A: Sarah Chan Letter).

14 Moreover, a lengthy custodial term will also affect Chan's ability to care
15 for his mother. As his sister Bonnie notes,

16 Ray played an essential role in the care of our 91-year-old mother,
17 who is almost blind and deaf and is now at the advanced stage of
18 Alzheimer's disease. Mom is living in her house with caretakers
19 who attended her basic needs. However, she depends on Ray and
me to make all financial, medical and living arrangement/decision
for her.

20 (Ex. CC: Bonnie Chan Letter).

21 Chan also serves as a caregiver for his wife, who has diabetes:

22 Ray's work life was extremely busy. But his family was always his
23 priority. I have had a severe hereditary diabetic condition since mid-
24 1990s. I have been taking insulin injection three times a day. He
25 took care of me whenever my diabetic condition got out of control,
which happened frequently. Ray always attended to all my doctor's
appointments.

26 (Ex. A: Sarah Chan Letter).

1 or to limit the amount of time they spend behind bars. *See, e.g., United States v.*
2 *Lee*, 725 F.3d 1159, 1169 (9th Cir. 2013) (remanding for greater consideration of
3 defendant’s advanced age); *United States v. White*, 506 F.3d 635, 644 (8th Cir.
4 2007) (affirming downward variance for 51-year-old defendant); *United States v.*
5 *Marsh*, 820 F. Supp. 2d 320, 387-88 (S.D.N.Y. 2011) (exercising discretion
6 under § 3553 in fraud case and imposing 12-month sentence on 52-year-old
7 defendant with heart disease and related conditions, notwithstanding 108-135
8 month Guideline range because, among other things, the “defendant’s many
9 health problems . . . make it harder for him to serve a prison term”).

10 The most devastating diagnosis is Chan’s Type 2 Charcot-Marie-Tooth
11 (CMT), “a genetic peripheral nerves disease that interferes with muscle control.”
12 (PSR ¶ 139). This disease continuously degenerates the function and sensation in
13 the hands, arms, feet, and legs along with weakened legs, calf muscles, footdrop,
14 awkward step, and pain.² Chan is prone to tripping, falling, and sprains. *Id.* This
15 hereditary condition also worsens with age as bones become frailer. *Id.* CMT has
16 impacted Chan to such a degree that he cannot wear traditional dress shoes or
17 any other heavy shoe. His fingers are weak and lack the sense of touch, which
18 makes holding and picking up objects difficult. There is no cure or medication to
19 slow its progression. As one of his students observed:

20 Throughout the years, I saw Ray randomly trip and fall or lose his
21 footing and stumble multiple times during our martial arts practice.
22 At first, I assumed it was his old age but, after asking Ray about it, I
23 learned that he suffers from a genetic disorder called Charcot-
Marie-Tooth disease (CMT). This disorder affects his nerves,
causing muscle weakness, poor coordination, and difficulty in
walking.

24 (Ex. Y: Wei Letter).

26 ² Mayo Clinic Staff, *Charcot-Marie-Tooth Disease*, Mayo Clinic, May 8,
27 2023, [https://www.mayoclinic.org/diseases-conditions/charcot-marie-tooth-](https://www.mayoclinic.org/diseases-conditions/charcot-marie-tooth-disease/symptoms-causes/syc-20350517)
28 [disease/symptoms-causes/syc-20350517](https://www.mayoclinic.org/diseases-conditions/charcot-marie-tooth-disease/symptoms-causes/syc-20350517) (last visited Aug. 29, 2024).

1 In addition to CMT, Chan has hyperlipidemia and expanding prostate for
2 which he needs daily medication. (PSR ¶¶ 142, 143). Chan also has obstructive
3 sleep apnea and is required to use a CPAP machine to sleep at night. (PSR ¶
4 141). Years ago, he was diagnosed with Hepatitis B, a disease that is now under
5 control but cannot be cured. (PSR ¶ 138). Chan inherited several eye ailments
6 from his mother and grandmother, who both gradually lost vision in both eyes.
7 Chan's vision is unreliably blurry with many blind spots, which worsens with
8 time. Chan also has glaucoma, which he addresses with medicated eyedrops
9 twice a day. (PSR ¶ 140).

10 **C. A Lengthy Custodial Sentence Is Not Necessary to Deter Chan**
11 **or to Protect the Public**

12 Section 3553(a)(2) requires courts to consider the need for a sentence to
13 prevent a defendant from engaging in future criminal conduct or endangering
14 society. *See* 18 U.S.C. § 3553(a)(2)(B)-(C). In this vein, Congress has advised
15 that “sentencing decisions should be designed to ensure that prison resources are,
16 first and foremost, reserved for those violent and serious criminal offenders who
17 pose the most dangerous threat to society” *See* Pub. L. No. 98-473, § 239,
18 98 Stat. 1987, 2039 (1984). The Sentencing Commission has recognized
19 offenders like Chan—a 69-year-old man with no criminal history, as among the
20 least likely to recidivate in the entire criminal justice system.³ This is particularly
21 true given the nature of Chan's offense.⁴

22 _____
23 ³ *See* U.S. Sent'g Comm'n, *Measuring Recidivism: The Criminal History*
24 *Computation of the Federal Sentencing Guidelines* at 7, 12-13 & Exs. 2, 9- 11
(2016).

25 ⁴ *See* *Measuring Recidivism, supra*, at Ex. 11 (first-time white collar offenders
26 least likely to recidivate); David Weisburd, et al., *Specific Deterrence in a*
27 *Sample of Offenders Convicted of White Collar Crimes*, 33 *Criminology* 587
28 (1995) (finding no difference in the deterrent effect of prison and probation for

1 As the Probation Office noted, “The likelihood of Chan committing
2 another related offense appears to be extremely low, given that he is retired and
3 there is no information that his wrongful actions over his lifetime extended to
4 other activities, along with his age and personal background.” (Discl. Rec. Letter
5 at 6). The probation officer also noted that Chan has never had any previous
6 interactions with law enforcement or any history of violence. (*Id.*).

7 Moreover, the Sentencing Commission has recognized that public nature
8 of criminal charges and a well-publicized trial cause many indignities for first-
9 time offenders that it is tantamount to an already significant punishment.⁵ This is
10 a factor the Court should consider in fashioning an appropriate sentence. *See*
11 *United States v. MacKay*, 20 F. Supp. 3d 1287, 1297 (D. Utah 2014), *aff’d*, 610
12 F. App’x 797 (10th Cir. 2015) (“[R]ecognizing that the sentence imposed on
13 MacKay must be just, the Court does not entirely disregard the considerable
14 negative impacts this case has already had on him and his family. He has already
15 lost standing in his community, . . . lost his job, . . . and otherwise experienced
16 major financial setbacks, and has no doubt suffered many emotional pains and
17 negative health consequences that accompany such a process.”); *United States v.*
18 *Gain*, 829 F. Supp. 669, 671 (S.D.N.Y. 1993) (granting downward departure

19 _____
20 white-collar offenders); Zvi D. Gabbay, *Exploring the Limits of the Restorative*
21 *Justice Paradigm: Restorative Justice and White Collar Crime*, 8 Cardozo J.
22 Conflict Resol. 421, 448-49 (2007) (finding “no decisive evidence” supporting
23 “conclusion that harsh sentences actually have a general and specific deterrent
effect on potential white collar offenders”).

24 ⁵ Symposium, U.S. Sent’g Comm’n, Federal Sentencing Policy for Economic
25 Crimes and New Technology Offenses, Plenary Session I, “*What Social Science*
26 *can Contribute to Sentencing Policy for Economic Crimes*” at 23 (Oct. 12, 2000)
27 (“[T]he general deterrent effect of sanctions stems not so much from the length
of the sentence but from fear of the social stigma and ostracism that attends to
their imposition”).

1 where defendant was punished by the loss of his business); *United States v. Vigil*,
2 476 F. Supp. 2d 1231, 1235, 1315 (D.N.M. 2007) (finding variance appropriate
3 where defendant was collaterally punished by loss of his position and reputation
4 and widespread media coverage).

5 In the last four years litigating this case, Chan has experienced thoughts of
6 suicide. (PSR ¶ 146). His reputation has suffered immeasurable harm, and he has
7 been subject to a very public shaming even prior to his indictment when a sealed
8 subpoena for Chan's Google data was leaked to the media. Chan's son lost his
9 job as a lawyer and has been forced to change careers. (PSR ¶ 131). Chan is
10 experiencing financial setbacks, including having to take a loan to litigate this
11 case. Chan is retired and will remain retired. (PSR ¶ 154). Professionally, Chan
12 lost his qualifications to extend his licenses as a civil engineer, structural
13 engineer, real estate broker, and general contractor. There is little chance that
14 Chan will recidivate, and there is no question that he has suffered, and will
15 continue to suffer, significant collateral consequences since the case was
16 charged. Consequently, this factor weighs heavily in favor of granting Chan a
17 variance.

18 **D. A Lengthy Custodial Term Will Hinder the Care Chan Requires for**
19 **His Health Problems**

20 This Court should also consider Chan's need for medical care. *See*
21 U.S.S.G. § 3553(a)(2)(D). This factor undoubtedly weighs in favor of less
22 incarceration. The Bureau of Prisons (BOP) is notorious for providing inadequate
23 health care for inmates. The BOP's institutional problems responding to medical
24 emergencies are well-documented, even as recently as 2023-2024. *See, e.g.,*
25 Dep't of Justice, Off. of Inspector Gen., *Evaluation of Issues Surrounding Inmate*
26 *Deaths in Federal Bureau of Prisons Institutions* (Feb. 2024), available at
27 <https://www.oversight.gov/sites/default/files/oig-reports/DOJ/24-041.pdf> (last
28

1 accessed Aug. 19, 2024). A recent media report noted that federal prisoners have
2 faked suicide attempts to receive medical attention because delays were so
3 frequent.⁶ As Forbes recently reported, “[T]hose standards [of care] are being
4 compromised as a result of staffing shortages that the agency has faced for years
5 now.”⁷ The Senate Judiciary Committee responded with calls to hold the BOP
6 responsible for “federal prisoners d[ying] from treatable conditions that are not
7 diagnosed or treated in a timely way within the prison system.”⁸ In one
8 compassionate release case, a district court found that the BOP provided “grossly
9 inadequate treatment” for a prisoner’s cancer: “During the lengthy delays, her
10 cancer spread to her lymph nodes.” *United States v. Beck*, 425 F. Supp. 3d 573,
11 580-81 (M.D.N.C. 2019).

12 When a defendant like Chan has so many health problems that will
13 become even more complicated because of his age, this Court should be hesitant
14 to impose any custodial time, much less a lengthy term. *United States v.*
15 *Edwards*, 595 F.3d 1004, 1011 (9th Cir. 2010) (affirming probationary sentence
16 for repeat-offending 63-year-old defendant despite 27–33 month Guideline range
17 because, while “Bureau of Prisons was capable of providing for [his]” diabetes-
18 related medical care, a “sentence of probation would satisfy the requirement of

19 ⁶ Thrush, Glenn, *Staffing Crisis at Federal Prisons Highlighted in Oregon*, New
20 York Times, May 22, 2024, available at [https://www.nytimes.com/2024/](https://www.nytimes.com/2024/05/22/us/politics/oregon-prison-staffing-shortage.html?searchResultPosition=6)
21 [05/22/us/politics/oregon-prison-staffing-shortage.html?searchResultPosition=6](https://www.nytimes.com/2024/05/22/us/politics/oregon-prison-staffing-shortage.html?searchResultPosition=6).

22 ⁷ Pavlo, Walter, *Federal Bureau of Prisons’ Medical Care Falls Short of Its Own*
23 *Policy*, Forbes, April 19, 2022, [https://www.forbes.com/sites/](https://www.forbes.com/sites/walterpavlo/2022/04/19/federal-bureau-of-prisons-medical-care-falls-short-of-its-own-policy/)
24 [walterpavlo/2022/04/19/federal-bureau-of-prisons-medical-care-falls-short-of-](https://www.forbes.com/sites/walterpavlo/2022/04/19/federal-bureau-of-prisons-medical-care-falls-short-of-its-own-policy/)
its-own-policy/.

25 ⁸ Anderson, Meg, *Lawmakers Push for Federal Prison Oversight After Reports*
26 *of Inadequate Medical Care*, National Public Radio, Dec. 12, 2023,
27 [https://www.npr.org/2023/12/12/1218627629/lawmakers-push-for-federal-](https://www.npr.org/2023/12/12/1218627629/lawmakers-push-for-federal-prison-oversight-after-reports-of-inadequate-medical-care)
28 [prison-oversight-after-reports-of-inadequate-medical-care](https://www.npr.org/2023/12/12/1218627629/lawmakers-push-for-federal-prison-oversight-after-reports-of-inadequate-medical-care).

1 providing needed care in the most effective manner,” and would avoid “simply
2 pass[ing] the cost of [his] medical care on to the taxpayers”). Unlike the case in
3 *Edwards*, however, there is evidence that the BOP is not equipped to handle
4 Chan’s myriad health problems, but especially his CMT. As one prisoner with
5 CMT, the same debilitating nerve illness that Chan suffers from, reported in a
6 *Bivens* action, “Plaintiff was not allowed to have his medical shoes in the SHU
7 [special housing unit]. After two weeks in the SHU, Plaintiff developed an open
8 wound on the sole of his right foot and another wound developed on the outside
9 edge of his left foot.... The wounds became infected and abscessed.” *Patton v.*
10 *Federal Bureau of Prisons*, No. CV18-00209-TUC-RM, 2019 WL 11837059, at
11 *3 (D. Ariz. Sept. 27, 2019). When the plaintiff in *Patton* was released from
12 segregated housing, he repeatedly tried to access proper medical care for his
13 condition but was ignored. *Id.* at *4. Finally, almost six months later, plaintiff
14 was finally sent to the hospital where his foot had to be partially amputated. *Id.* at
15 *4.

16 Given Chan’s age, it is not likely that he will receive the kind of medical
17 treatment he needs for his continuing health issues while incarcerated. The longer
18 he spends in prison, the more likely he will suffer lasting consequences of the
19 BOP’s inadequate care. Therefore, this factor weighs in favor of a variance to 33
20 months.

21 **E. A Custodial Term of 33 Months Will Promote Parity in**
22 **Sentencing**

23 A term of 33 months would also avoid unwarranted disparities under
24 U.S.S.G § 3553(a)(6). According to the Sentencing Commission data, in the year
25 2023 in the Central District of California, of the 16 defendants sentenced in
26 public corruption cases, three received no time in custody at all. (Ex. E:
27 Sentencing Commission Data Analysis at 9). Of the remaining defendants who
28

1 received custodial terms, the median term of imprisonment was 26 months, and
2 the average was 35 months. *Id.* at 11. Nationwide, the statistics are similar. From
3 2015 through 2023, out of the over 1,900 defendants convicted of corruption
4 offenses nationwide, roughly 27% did not receive a custodial sentence. U.S.
5 Sent'g Comm'n, Interactive Data Analyzer, [https://ida.ussc.gov/analytics/](https://ida.ussc.gov/analytics/saw.dll?Dashboard)
6 [saw.dll?Dashboard](https://ida.ussc.gov/analytics/saw.dll?Dashboard) (under the tab Sentence Outcomes and sub-tab Sentence
7 Type, select Fiscal Years 2015-2023, Crime Type: Bribery Corruption, Primary
8 Guideline: 2C1.1, Criminal History: Category I). Of the remaining defendants
9 who received custodial terms, the average sentence was 25 months, and the
10 median sentence was 15 months. *Id.* (under the tab Sentence Outcomes and sub-
11 tab Sentence Length).

12 A review of cases across the country reveals the same result. *McDonnell v.*
13 *United States*, 579 U.S. 550 (2016) (two-year custodial sentence); *United States*
14 *v. Ralph Inzunza*, 580 F.3d 894 (9th Cir. 2011) (21-month custodial sentence);
15 *United States v. Bryant*, 655 F.3d 232, 236 (3d Cir. 2011) (four-year custodial
16 sentence for one defendant and 18-month custodial sentence for the other);
17 *United States v. Spano*, 411 F. Supp. 2d 923, 928 (N.D. Ill.), *aff'd*, 447 F.3d 517
18 (7th Cir. 2006) (27-month custodial sentence); *Renzi*, 769 F.3d at 742 (36-month
19 custodial sentence); *United States v. Calderon*, CR-14-103-CAS (C.D. Cal.) (42-
20 month custodial sentence); *United States v. Yee*, CR-14-196 (N.D. Cal.) (five-
21 year custodial sentence); *United States v. Ridley-Thomas*, CR-21-485-DSF (C.D.
22 Cal.) (42-month custodial sentence).

23 **IV. CONCLUSION**

24 For the foregoing reasons, Chan respectfully requests that the Court
25 impose a custodial sentence of 33 months.